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EXAMINER

CHAU, PETER P

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,731	Applicant(s) VINCENT ET AL.	
	Examiner PETER CHAU	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13 have been examined and are pending.

Response to Arguments

2. Applicant's arguments, see pages 7-9, filed 12/15/2008, with respect to the rejection(s) of claim(s) 1, 2 and 4 under Lipsanen and Koskelainen for claims 1 and 2 and Lipsanen for claim 4 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lipsanen and Fingerhut for claims 1, 4, 5, 9, 11 and 12 and Lipsanen and Fingerhut and Novak for claims 3, 6 and 7 and Lipsanen and Fingerhut and Noblecourt for claim 8.

Claim Objections

3. Claim 5 objected to because of the following informalities: "said terminal" on line 3 and 5 of claim 5. They should be changed to "said mobile terminal". Examiner will interpret the limitation as being "said mobile terminal" hereinafter for examination. Appropriate correction is required.
4. Claim 7 is objected to because of the following informalities: The term, "...the point-to-point link notification..." on line 2. In claim 1, it states "...a point-to-point content transmission..." on line 4. Examiner will interpret "...the point-to-point link notification..." as being "...the point-to-point content transmission..." hereinafter for examination.

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5. Claim 10 is objected to because of the following informalities: The term, "said terminal" on line 5 and line 6 should be changed to "said mobile terminal". Examiner will interpret "said terminal" as being "said mobile terminal" hereinafter for examination. Appropriate correction is required.

6. Claim 12 is objected to because of the following informalities: claim 12 cites a limitation "...said terminal..." on line 3 and line 5 of claim 12. The Examiner will interpret the limitation as being, "...said mobile terminal..." on line 3 and line 5 of claim 12 for examination hereinafter.

7. Claim 13 is objected to because of the following informalities: claim 13 cites "...said terminal said terminal requesting..." on lines 5-6. Examiner will interpret the limitation as being "...said mobile terminal requesting..." hereinafter for examination. Appropriate correction is required.

8. Claim 13 is objected to because of the following informalities: The term, "said terminal" on line 5 should be changed to "said mobile terminal". Examiner will interpret "said terminal" as being "said mobile terminal" hereinafter for examination. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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10. Claim 7 recites the limitation "the point-to-point link notification" in claim 7 line 2.

There is insufficient antecedent basis for this limitation in the claim. Examiner will interpret the limitation hereinafter as being, "the point-to-point transmission".

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 1, 4, 5, 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 03/045064 to Lipsanen et al (hereinafter "Lipsanen") and in further view of U.S. PGPub 2004/0171383 to Fingerhut et al (hereinafter "Fingerhut").

As per claim 1, Lipsanen teaches **a method for a transmission system to transmit multimedia contents to a plurality of mobile terminals via a radiocommunication network** (abstract, discloses a transmission system to transmit voice, packet data and digital broadcast/multicast services. Examiner corresponds any one of voice, packet data and digital broadcast/multicast services to applicant's content), **said transmission system comprising a first server** (fig. 1 box 120, discloses a Telecom/Portal server) **adapted to provide a point-to-point content transmission service** (pg. 9 lines 27-29, discloses Telecom server transmitting content through UMTS/GPRS network to a terminal), **which method includes the following steps:**

a first step of said first server transmitting an identifier specific to a content over a dedicated point-to-point transmission channel to all terminals registered with said first server as interested in said content (fig. 1 shows a telecom server 120; pg. 8 lines 5-14, discloses user send "get n" message to server 120 and then server 120 forwards service parameters such as program identifier to the terminal via

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the UMTS/GPRS network. Examiner correspond "get n" to applicant's terminal registered with said first server as interested in said content);

and a third step of a second server (fig. 1 box 130, discloses a broadcast server) **broadcasting a message over a broadcast channel** (pg. 4 lines 4-5, discloses broadcast server 130 coupled to broadcast network 140; pg. 7 lines 28-29, discloses broadcast programs transmitted from broadcast network 140).

Although Lipsanen teaches **first server** (fig. 1 box 120) and **second server adapted to provide a broadcast content transmission service** (fig. 1 box 130 and pg. 4 lines 4-5 and pg. 7 lines 28-29) and **identifier** (pg. 8 lines 5-14) and **content** (abstract), Lipsanen is silent on **a second step of said first server transmitting to a second server adapted to provide a broadcast content transmission service a broadcast request to broadcast a message, said broadcast request including said content in its entirety and said identifier.**

However, Fingerhut teaches a first server/"message server" creates a broadcast request/"fleet broadcast request", which includes the content in its entirety/"payload message" with the identifier/"message ID" and transmits the broadcast request to second server/"activation gateway" for broadcast transmission of the payload and ID ([0129-0131]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lipsanen to have a second step of said first server transmitting to a second server adapted to provide a broadcast content transmission service a broadcast request to broadcast a message, said broadcast

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request including said content in its entirety and said identifier, as suggested by Fingerhut. This combination would benefit the system by allowing for the efficient delivery of information in a broadcast fashion (Fingerhut [0125]).

As per claim 4, Lipsanen teaches a method of reception of multimedia content by a mobile terminal adapted to communicate via a radiocommunication network with a point-to-point content transmission server, said method including the following steps:

a first step of receiving an identifier specific to a content over a dedicated point-to-point transmission channel (abstract, discloses a transmission system to transmit voice, packet data and digital broadcast/multicast services; pg. 8 lines 5-14, discloses user send "get n" message to server 120 and then server 120 forwards service parameters such as program identifier to the terminal via the UMTS/GPRS network. Examiner correspond any one of voice, packet data and digital broadcast/multicast services to applicant's content).

Although Lipsanen teaches **a second step of receiving a message from a broadcast multicast center over a broadcast channel including said content** (abstract, discloses the terminal receive the broadcast service transmitted by the broadcast network 140; pg. 4 lines 4-5, discloses broadcast server 130 coupled to broadcast network 140; pg. 7 lines 28-29, discloses broadcast programs transmitted from broadcast network 140. Examiner correspond broadcast server to applicant's broadcast multicast center), **said identifier** (pg. 8 lines 5-14) and **a multimedia**

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messaging service center (pg. 9 lines 27-29, discloses a Telecom server), the combination is silent on **a second step of receiving a message from a broadcast multicast center over a broadcast channel including said content and said identifier sent to the broadcast multicast center from a multimedia messaging services center.**

However, Fingerhut teaches a first server/"message server" creates a broadcast request/"fleet broadcast request", which includes the content in its entirety/"payload message" with the identifier/"message ID" and transmits the broadcast request to second server/"activation gateway" for broadcast transmission of the payload and ID ([0129-0131]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lipsanen to have a second step of receiving a message from a broadcast multicast center over a broadcast channel including said content and said identifier sent to the broadcast multicast center from a multimedia messaging services center, as suggested by Fingerhut. This combination would benefit the system by allowing for the efficient delivery of information in a broadcast fashion (Fingerhut [0125]).

As per claim 5, the combination teaches the reception method according to claim 4 wherein:

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said terminal receiving a decryption key during (Lipsanen pg. 11, lines 11-12, discloses the broadcast keys are sent to the user which allow the terminal to decrypt the digital packets) **said first step** (pg. 8 lines 5-14);
and said terminal utilizing said decryption key to decrypt said content (Lipsanen pg. 11, lines 11-12, discloses the broadcast keys are sent to the user which allow the terminal to decrypt the digital packets).

As per claim 9, the combination teaches **the transmission method according to claim 1, further comprising said first server** (Lipsanen, fig. 1 shows telecom server 120) **transmitting a decryption key to said terminals for use by the terminals in decrypting said content** (Lipsanen, pg. 11 lines 11-12, discloses the broadcast keys are sent to the users which allow the terminals to decrypt the digital packets).

As per claim 11, Lipsanen teaches **a method of reception of multimedia content by a mobile terminal adapted to communicate via a radiocommunication network with a point-to-point content transmission server, said method comprising:**

a mobile terminal receiving an identifier specific to a multimedia content from a first server over a dedicated point-to-point transmission channel (abstract, discloses a transmission system to transmit voice, packet data and digital broadcast/multicast services; pg. 8 lines 5-14, discloses user send "get n" message to

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server 120 and then server 120 forwards service parameters such as program identifier to the terminal via the UMTS/GPRS network. Examiner correspond any one of voice, packet data and digital broadcast/multicast services and terminal to applicant's content and mobile terminal, respectively).

Although the Lipsanen teaches **said first server** (fig. 1 box 120), **said content** (abstract), **said identifier** (pg. 8 lines 5-14), **a second server adapted to provide a broadcast content transmission service** (pg. 4 lines 4-5 and pg. 7 lines 28-29) and **said mobile terminal receiving a message from said second server over a broadcast channel including said content** (abstract, discloses the terminal receive the broadcast service transmitted by the broadcast network 140; pg. 4 lines 4-5, discloses broadcast server 130 coupled to broadcast network 140; pg. 7 lines 28-29, discloses broadcast programs transmitted from broadcast network 140), the combination is silent on **said first server transmitting said content in its entirety and said identifier to a second server adapted to provide a broadcast content transmission service and said mobile terminal receiving a message from said second server over a broadcast channel including said content and said identifier.**

However, Fingerhut teaches a first server/"message server" creates a broadcast request/"fleet broadcast request", which includes the content in its entirety/"payload message" with the identifier/"message ID" and transmits the broadcast request to second server/"activation gateway" for broadcast transmission of the payload and ID ([0129-0131]).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lipsanen to have said first server transmitting said content in its entirety and said identifier to a second server adapted to provide a broadcast content transmission service, as suggested by Fingerhut. This combination would benefit the system by allowing for the efficient delivery of information in a broadcast fashion (Fingerhut [0125]).

As per claim 12, the combination teaches the reception method according to claim 11 further comprising:

said terminal receiving a decryption key over the dedicated point-to-point transmission channel (Lipsanen pg. 11, lines 11-12, discloses the broadcast keys are sent to the user which allow the terminal to decrypt the digital packets);
and said terminal utilizing said decryption key to decrypt said content (Lipsanen pg. 11, lines 11-12, discloses the broadcast keys are sent to the user which allow the terminal to decrypt the digital packets).

15. Claims 2, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipsanen and Fingerhut and in further view of U.S. PGPub 2003/0186704 to Tamura et al (hereinafter "Tamura").

As per claim 2, the combination teaches the transmission method according to claim 1.

Although the combination teaches **in said first step said identifier sent to said terminals** (Lipsanen fig. 1 and pg. 8 lines 5-14), **reception of said content by said terminals** (Lipsanen abstract, discloses the terminal receive the broadcast service transmitted by the broadcast network 140) and **said terminals download said content from said first server via said dedicated point-to-point transmission channel** (Lipsanen pg. 9 lines 27-29 and pg. 8 lines 5-14), the combination is silent on **wherein, in said first step, said identifier sent to said terminals is accompanied by a value corresponding to a waiting time for reception of said content by said terminals and if said waiting time passes without said terminals receiving said content, said terminals requesting to download said content from said first server via said dedicated point-to-point transmission channel.**

However, Tamura teaches first server/"content server" sends the waiting time/"maximum permissible value of the waiting time" to the mobile terminals ([0138]) and a terminal operating in standby for a certain waiting time and when the terminal hasn't received notification from the base station within the waiting time, the terminal makes a request to the first server/"content server" for download of content ([0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have wherein, in said first step, said identifier sent to said terminals is accompanied by a value corresponding to a waiting time for reception of said content by said terminals and if said waiting time passes without said terminals receiving said content, said terminals requesting to download said content from said first server via said dedicated point-to-point transmission

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channel, as suggested by Tamura. This combination would benefit the system by receiving and obtaining desired contents at desired time (Tamura [0007]).

As per claim 10, the combination teaches the reception method according to claim 4.

Although the combination teaches **said mobile terminal receiving in said first step said identifier** (Lipsanen fig. 1 and pg. 8 lines 5-14), **reception of said content** (Lipsanen abstract, discloses the terminal receive the broadcast service transmitted by the broadcast network 140) and **said terminal download said content from said first server via said dedicated point-to-point transmission channel** (Lipsanen pg. 9 lines 27-29 and pg. 8 lines 5-14), the combination is silent on **said mobile terminal receiving in said first step a value accompanying said identifier corresponding to a waiting time for reception of said content, wherein if said waiting time passes without said terminal receiving said content, said terminal requesting to download said content from said first server via said dedicated point-to-point transmission channel.**

However, Tamura teaches first server/"content server" sends the waiting time/"maximum permissible value of the waiting time" to the mobile terminals ([0138]) and a terminal operating in standby for a certain waiting time and when the terminal hasn't received notification from the base station within the waiting time, the terminal makes a request to the first server/"content server" for download of content ([0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have said mobile terminal receiving in said first step a value accompanying said identifier corresponding to a waiting time for reception of said content, wherein if said waiting time passes without said terminal receiving said content, said terminal requesting to download said content from said first server via said dedicated point-to-point transmission channel, as suggested by Tamura. This combination would benefit the system by receiving and obtaining desired contents at desired time (Tamura [0007]).

As per claim 13, the combination teaches the reception method according to claim 11.

Although the combination teaches **said mobile terminal receiving said identifier** (Lipsanen fig. 1 and pg. 8 lines 5-14), **said terminal receiving said content** (Lipsanen abstract, discloses the terminal receive the broadcast service transmitted by the broadcast network 140) and **said terminal download said content from said first server via said dedicated point-to-point transmission channel** (Lipsanen pg. 9 lines 27-29 and pg. 8 lines 5-14), the combination is silent on **said mobile terminal receiving a value accompanying said identifier corresponding to a waiting time for reception of said content, wherein if said waiting time passes without said terminal receiving said content, said terminal requesting to download said content from said first server via said dedicated point-to-point transmission channel.**

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However, Tamura teaches first server/"content server" sends the waiting time/"maximum permissible value of the waiting time" to the mobile terminals ([0138]) and a terminal operating in standby for a certain waiting time and when the terminal hasn't received notification from the base station within the waiting time, the terminal makes a request to the first server/"content server" for download of content ([0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have said mobile terminal receiving a value accompanying said identifier corresponding to a waiting time for reception of said content, wherein if said waiting time passes without said terminal receiving said content, said terminal requesting to download said content from said first server via said dedicated point-to-point transmission channel, as suggested by Tamura. This combination would benefit the system by receiving and obtaining desired contents at desired time (Tamura [0007]).

16. Claims 3, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipsanen and Fingerhut and in further view of NPL document, Novak et al "MMS-Building on the success of SMS" (hereinafter "Novak").

As per claim 3, the combination teaches the transmission method according to claim 1.

Although the combination teaches **broadcast request** (Fingerhut [0129-0131]), the combination is silent on **wherein said broadcast request conforms to an MMS standard.**

Novak teaches multimedia messaging service standard (pg. 103, MMS Content section, 3rd paragraph).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have wherein said broadcast request conforms to an MMS standard, as suggested by Novak. This combination would benefit the system by providing a dramatic increase in messaging capabilities (Novak pg. 102, abstract).

As per claim 6, the combination teaches the transmission method according to claim 1.

Although the combination teaches **the first server transmitting the identifier to the terminals** (Lipsanen pg. 8 lines 5-14), the combination is silent on **comprising the first server transmitting the identifier to the terminals in an MMS-standardized point-to-point link notification.**

However, Novak teaches MMS-standardized point-to-point link notification (pg. 106 right column, line 11 and fig. 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have the first server transmitting the identifier to the terminals in an MMS-standardized point-to-point link notification, as

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suggested by Novak. This combination would benefit the system by providing a dramatic increase in messaging capabilities (Novak pg. 102, abstract).

As per claim 7, the combination teaches the transmission method according to claim 1.

The combination is silent on **wherein the point-to-point notification is M-Notification.ind.**

However, Novak teaches MMS-standardized notification, M-Notification.ind (pg. 106 right column, line 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the **combination to have wherein the point-to-point notification is M-Notification.ind**, as suggested by Novak. This combination would benefit the system by providing a dramatic increase in messaging capabilities (Novak pg. 102, abstract).

17. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lipsanen and Fingerhut and in further view of U.S. PGPub 2005/0015797 to Noblecourt et al (hereinafter "Noblecourt").

As per claim 8, the combination teaches the transmission method according to claim 1.

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Although the combination teaches **identifier** (Lipsanen pg. 8 lines 5-14), the combination is silent on **wherein said identifier includes uniform resource identifier information serving as a unique identifier**.

However, Noblecourt teaches a uniform resource identifier ([0030]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have wherein said identifier includes uniform resource identifier information serving as a unique identifier, as suggested by Noblecourt. This combination would benefit the system by allowing each element or piece of data to be uniquely referenced (Noblecourt [0030]).

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. PGPub 2003/0186704 to Tamura et al discloses a data transmission/reception system, mobile terminal, content server, radio base station device and method for data transmission/reception.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER CHAU whose telephone number is (571)270-7152. The examiner can normally be reached on Monday-Friday 7:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C./
Examiner, Art Unit 2419

/Ronald Abelson/
Primary Examiner, Art Unit 2419